

OLC 73-0016/A

29 January 1973

Honorable Edward I. Koch
House of Representatives
Washington, D. C. 20515

Dear Mr. Koch:

This is in response to your letter to Mr. Helms of 28 December 1972, regarding a New York Times story describing some briefings which the Central Intelligence Agency has provided to the New York Police Department, and to your request during our telephone conversation on the same subject on 23 January 1973.

Regarding the first question in your letter, I do not have a precise figure but I can assure you that less than fifty police officers all told, from a total of about a dozen city and county police forces have received some kind of Agency briefing within the past two years.

These briefings have covered a variety of subjects such as the procedures for the processing, analyzing, filing and retrieving information, security devices and procedures, and metal and explosives detection techniques.

These briefings have been provided at no cost to the recipients. Since they have been accomplished merely by making available, insofar as their other duties permit, qualified Agency experts and instructors the cost to the Agency is minimal.

All of these briefings have been conducted in response to the requests of the various recipients. The Agency intends to continue to respond to such requests on matters within its competence and authority, and to the extent possible without interfering with its primary mission.

OGC Has Reviewed

Regarding the Agency's authority to conduct such briefings, the National Security Act of 1947 (P. L. 80-253, as amended) specifically provides that "the Agency shall have no police, subpoena, law-enforcement powers, or internal-security functions." We do not consider that the activities in question violate the letter or spirit of these restrictions. In our judgment, they are entirely consistent with the provisions of the Omnibus Crime Control and Safe Streets Act of 1968 (P. L. 90-351, 42 U.S.C.A. 3701 et seq). In enacting that law it was the declared policy and purpose of Congress "to assist State and local governments in strengthening and improving law enforcement at every level by national assistance" and to "...encourage research and development directed toward the improvement of law enforcement and the development of new methods for the prevention and reduction of crime and the detection and apprehension of criminals" (42 U.S.C.A. 3701). By the same law Congress also authorized the Law Enforcement Assistance Administration to use available services, equipment, personnel and facilities of the Department of Justice and of "other civilian or military agencies and instrumentalities" of the Federal Government to carry out its function (42 U.S.C.A. 3756).

The identities of the individual police forces which have attended these briefings have, by mutual agreement, been kept confidential and I would therefore appreciate your treating the information I gave you in our conversation regarding these identities accordingly.

I trust the foregoing information is responsive to your interests, and I will be glad to discuss the matter with you further if you so desire.

Sincerely,

John M. Maury
Legislative Counsel

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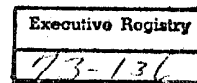
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December 28, 1972

Richard Helms
Director
Central Intelligence Agency
Washington, D. C. 20505

Dear Mr. Helms:

I read with interest the report in the December 17th issue of the New York Times that 14 New York policemen have received training by the CIA. It is my understanding that the CIA is not permitted under existing law to engage in internal security functions. And yet, it would appear from the news story that the training of these police officers relates to the handling of information files, sometimes called dossiers, on individuals within the United States.

I should like to have responses to the following questions:

1. How many police officers from local police departments throughout the country have been similarly trained or received instruction of any kind by the CIA within the last two years? Please indicate the number of policemen from each city involved.
2. Describe the kind of training provided by the CIA to these police officers.
3. What was the cost involved in the training and who paid for it?
4. Does the CIA intend to continue the program of training local police officers?
5. Finally, pursuant to what section of the law is the CIA training local police officers, and for what purpose is the training provided?

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Next 2 Page(s) In Document Exempt

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14 CITY POLICEMEN GOT C.I.A. TRAINING

Learned How to Analyze
and Handle Information

By DAVID BURNHAM

Fourteen New York Policemen—including First Deputy Police Commissioner William H. T. Smith and the commander of the department's Intelligence Division—received training from the Central Intelligence Agency in September.

A spokesman for the C.I.A., Angus Thuermer, confirmed that the 14 New Yorkers had been given training but denied that the agency had regular instruction programs for local police officials.

Mr. Thuermer acknowledged, however, that "there have been a number of occasions when similar courtesies have been extended to police officers from different cities around the country."

In response to an inquiry, Mr. Thuermer said he was not able to determine how many police officials or how many departments had come to the Washington area to receive agency training.

"I doubt very much that they keep that kind of information," he added.

Mr. Thuermer scoffed when asked whether the agency's training of policemen—some of whom are responsible for collecting information about political activists—violated the Congressional legislation that created the C.I.A. to correlate and evaluate intelligence relating to national security, "provided that the agency shall have no police, subpoena, law-enforcement powers or internal security functions."

Twelve of the New York policemen—one captain, three lieutenants, five sergeants and three detectives—received four days of training from the C.I.A. in a facility in Arlington, Va., beginning last Sept. 11, according to the Police Department.

Commissioner Smith and Deputy Chief Hugo J. Masini, commander of the Intelligence Division, attended one day's training, on Sept. 13.

Commissioner Smith said during an interview that in connection with the reorganization of the department's intelligence work, "we decided we needed some training in the analysis and handling of large amounts of information."

Mr. Smith said the department had decided that the C.I.A. would be the best place for such training. "They pretty much set this up for us," he explained. "The training was done gratis, only costing us about \$2,500 in transportation and lodging."

Both the International Association of Chiefs of Police, a professional organization that does police efficiency studies and runs training seminars on a variety of law-enforcement subjects, and the Federal Bureau of Investigation said they were not equipped to provide instruction on the storage, retrieval and analysis of intelligence information.

One branch of the Police Department's Intelligence Division, the security investigation section, is the subject of a pending suit in Federal court here. The suit, filed by a group of political activists, charges that the surveillance and infiltration activities of the security section violate "the rights of privacy, free speech and association granted and guaranteed" the plaintiffs "by the United States Constitution."

The present reorganization of the security section—and the part of the Intelligence Division that collects information on organized crime—is being financed by a \$166,630 grant from the Law Enforcement Assistance Administration, a branch of the Justice Department. As of Oct. 13, a police roster indicated that there were 365 policemen assigned to the Intelligence Division.

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